

Application No. 10/789,650
Amendment Dated: January 17, 2008
Reply to Office Action of: July 20, 2007

REMARKS

Claims 5, 12, 14 and 17-20 are canceled. Claims 23-29 are added. Claims 1, 6, 11, 13, 15 and 16 are amended. Claims 21 and 22 are allowed. Claims 1-4, 6-11, 13, 15, 16 and 23-29 are pending. Neither the amendments nor the new claims introduce new matter.

The Examiner rejected claim 11 under 35 U.S.C. § 112 because there was insufficient antecedent basis for the term, "blade". Claim 11 has been amended to recite that the apparatus further comprises "a blade against which the beverage ingredient is crushed by the crushing disk". Consequently, amended claim 11 provides sufficient antecedent basis for the term, "blade".

The Examiner rejected claims 1, 2, 5, 7, 9 and 11 as anticipated by U.S. Patent No. 4,613,086 to Granum et al.; rejected claim 10 as obvious over Granum in view of U.S. Patent No. 4,786,002 to Mitsybayashi et al.; and rejected claims 3, 4, 13, 17, 19 and 20 as obvious over Granum in view of U.S. Patent No. 6,302,014 to Kuan.

In the Office Action, the Examiner indicated that claims 6, 8, 12, 14-16 and 18 recite allowable subject matter and would be allowable if re-written in independent form. Accordingly, Applicant has amended rejected independent claims 1 to include the limitations of allowable claim 12. Similarly, claim 13 is amended to incorporate the limitations of allowable claim 14. In view of the Examiner's comments and the aforementioned amendments, Applicant contends that independent claims 1 and 13 are allowable in their current form. Consequently, because claims 2-4, 7 and 9-11 depend from claim 1 and claims 15 and 16 depend from claim 13, said dependent claims are allowable as a matter of law.


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Additionally, original claim 6 is re-written in independent form as claim 23. New claim 28 recites a combination of the limitations in original claims 12 and 14. Claims 24-27 depend from claim 23 and claim 29 depends from claim 28. Consequently, new claims 23-29 are allowable.

In view of the claim amendments included herein, Applicant contends that claims 1-4, 6-11, 13, 15, 16 and 23-29 recite allowable subject matter and respectfully requests that the Examiner withdraw his rejections and pass the pending claims to issue.

Respectfully Submitted,

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